

Applicants: David Baltimore et al.  
Serial No.: 10/037,415  
Filed : January 4, 2002  
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REMARKS

In the March 21, 2008 Communication issued by the U.S. Patent and Trademark Office, the Examiner asserted "the reply filed on 12/7/07 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants have not addressed, in any fashion, the obviousness-type double patenting rejection of claim 89 over the claims in the 6,410,516 patent." The March 21, 2008 Communication indicated that a complete response to the obviousness-type double patenting rejection can include a statement that applicants will file a Terminal Disclaimer upon indication of allowable subject matter.

Applicants' Response

In response, applicants will file a Terminal Disclaimer upon indication of allowable subject matter should the allowable claims so require.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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**APR 03 2008**

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No fee is deemed necessary in connection with the filing of this communication. However, if any fee is required, authorization is hereby given to charge the additional amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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